REMARKS/ARGUMENTS:

The office action dated March 20, 2006 objected to four instances in the specification, and rejected each of pending claims 1-26 as follows: claims 1-11, 13-21, and 23-26 are rejected under 35 USC 102(b) as anticipated by US Patent No. 5,404,458 to Zetts, and claims 12 and 22 are rejected under 35 USC 103(a) as obvious over the combination of Zetts with US Patent No. 5,537,608 (Beatty). The Applicants thank the Examiner for the detailed office action. Claims 23-26 are canceled. Claims 27-30 are added, where claim 28 recites similar to claim 21 in means plus function language and claims 27 and 30 recite similar to claim 2. No new matter is added.

The Office Action appears to characterize the touch overlay 16 of Zetts as analogous to the former recitation of claim 1 "portion of the touch sensitive user interface that is not recognized as active *by the display program*". Zetts' touch overlay 16 is hardware, a transparent laminate structure disposed to overlay a LCD. The overlay itself includes transparent X and Y conductors lain perpendicular to one another to determine a stylus or finger position. (Zetts at col. 4 lines 31-43). The rejection appears to rely on Zetts' touch overlay 16 being "not recognized as active" by construing the reference such that the touch overlay 16 as hardware is not recognized as active despite all recognized stylus/finger inputs being sensed through that touch overlay 16. Citing hardware against a claim term that reads on areas of a touch sensitive display that *a software program* recognizes as active or inactive is seen as improperly reading a limitation out of the claim. Regardless, claim 1 is amended to avoid relying on that argument for patentability.

The specification details particularly at para [0031] the distinction between active/inactive areas as recognized by the display software when an image is displayed. In short, the display program will recognize user touch inputs only at scrolling operators, toolbar icons, and hyperlinks (which the specification terms 'attributes' at the last sentence of para [0029]), and disregard user touch inputs at other areas of the displayed graphic image. Claim 1 is amended with subject matter drawn from paras [0029-0030] to recite active areas as comprising attributes and to stipulate that the received input is at a portion of the touch sensitive user interface that currently displays the graphical image and excluding the active areas.

Zetts relates to reducing processing time by using different delay timers, and recognizes different types of input devices (e.g., finger, stylus). The delay timers and reduced processing time described in Zetts may be used in conjunction with the claimed invention, but do not anticipate the invention of claim 1 as will be shown below.

First distinction: Zetts does not disclose or imply receiving an input at a portion of the touch sensitive user interface, excluding the active areas defined by attributes, that *currently displays the graphical image* as claim 1 recites. Zetts explicitly discloses at col. 5 lines 1-44 that the workpad 10, which includes the touch overlay 16 and LCD 18 through which the user's stylus or finger inputs are sensed (see Zetts col. 4 lines 28-43), is separate and distinct from the display 86. Clearly Zetts' disclosed cathode ray tube standard display 56 is not capable of sensing a user's stylus or finger input. While the cited passage denotes a 'preferred embodiment', there is no instance in which Zetts discloses receiving an input at a position that currently displays a graphical image. Zetts workspace area 102 of window 100 in Figure 3 is explicitly an area for data input (col. 6 lines 18-23) and is also explicitly a representation of the touch workpad of Figure 1. If Zetts were interpreted as the touch inputs being entered over a displayed graphical image, then it appears Zetts would be inoperative for the condition where an input is entered over a hyperlink. Zetts is silent as to how to address such an eventuality, and without some resolution it appears that Zetts would follow the hyperlink when the user's touch input crossed a displayed hyperlink midway through entering a desired motion via the pointing device. This is detailed further below with respect to claim 7.

Second distinction: The *separate command* of claim 1 is *apart from the display software program*. Assume arguendo (but see the first distinction above) that Zetts discloses both displaying a graphical image and receiving user touch inputs at the same LCD. There are many known mouse commands, but those Zetts describes appear related to how an image would be displayed, and are therefore necessarily part of the Zetts *display software program*. For example, Zetts discloses at col. 6 lines 30-36 that an input recognized as an 'up arrow' enlarges or maximizes the window 100. If the window 100 displays a graphical image, then enlarging the window must be part of the display program. Zetts discloses a 'file command 108' at col. 6 lines 44-48, but no description of what this command might be and no depiction for reference number 108 is seen. A more exhaustive list of Zetts' mouse emulation

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commands is at col. 6 lines 49-55: "to differentiate between touch input signals intended to emulate a mouse command, such as a mouse button down, mouse move, or a mouse button up, and those touch input signals which are to be considered a gesture or character." Each of those mouse commands are seen to move a cursor or pointer across a displayed image as is well known in the art, and each are again a part of any display software program that actually displays the graphical image.

Claim 1 instead recites that the separate command is apart from the display software program. Examples are given at para [0036], including search for a compatible Bluetooth device; go to a web home page; or enter a power saving mode. These are not functions of the display software program, and a clear distinction over Zetts. As stated at para [0039], embodiments of the invention operate to interface prior art programs with a touch sensitive screen more efficiently to enable quicker navigation through various software programs. Zetts appears limited to user inputs that manipulate how an image is displayed or possibly movement of a cursor across the displayed image. Note particularly at Zetts col. 6 lines 18-20 that the specific application to which later references of col. 6 refer is named explicitly. Those later references operate *within the confines* of Zetts' MAG.EXE application.

For these reasons, claim 1 and similarly amended claims 13 and 21 (and added claims 28-29) are seen to patentably distinguish over Zetts.

Claim 2 recites that the separate computer command is to display a submenu that comprises a plurality of shortcuts, and an embodiment of this is illustrated at Figure 4A in response to the input at Figure 3A (see para [0021]). The office action rejects this as anticipated by the action bar menu "Options" at Zetts Figure 3. This is seen as clear error; Figure 3 of Zetts unequivocally displays the action bar menu in conjunction with Zetts' stylus/finger input as seen there, and at col. 6 lines 23-27 and explicitly referenced in the office action, a pull-down menu appears in response to a user stylus or finger *touching down* at the action bar menu 104. By definition stipulated in claim 1, Zetts' action bar menu would then constitute an active area or attribute. An input there is necessarily part of the display program, and any command executed in response to touching the action bar menu 104 is not a separate command apart from the displaying software program as recited in claim 1. Even if this were not the case, Zetts provides no instance where a received input at the action bar menu 104 is *matched* to a

stored command character, for a mere touchdown represents a single point and a single point is incapable of being matched to a character; either the touchdown occurs at the requisite point or it does not. Zetts' input at the action bar menu 104 is dependent only on a point-position of an input on the workpad, because a touchdown is only a singular point.

For these reasons, claim 4 and similar claim 14 (and added claims 17 and 30) are seen to patentably distinguish over Zetts.

Claim 7 recites that the computer instructions render the entire touch sensitive user interface as inactive to the display program until the input is terminated. The rejection to this subject matter is not understood. If Zetts were to anticipate this feature, then it appears that entry of a user input that scribes mid-stroke across Zetts' action bar menu 104 (the "options" icon) would NOT cause the pull-down menu to appear. Zetts is vacant of such a teaching. Zetts explicitly details that no user entered command is recognized until either a timeout or completion of the gesture, and that touchdown on the "options" menu item will cause the pulldown menu to appear. A gesture that scribes over the "options" menu mid-stroke will then cause the pulldown menu to appear, because there is no disclosure of suspending sensitivity at the "options" menu item once a gesture is begun. Claims 7 and 19 address this potential problem that Zetts fails to recognize; from touchdown until the input is terminated, there are no active areas of the touch sensitive display.
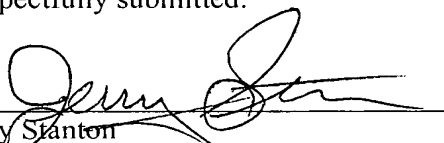
For the above reason, claims 7 and 19 are seen to patentably distinguish over Zetts.

The rejection of claims 11 and 20 rely on the claimed second mouse button being inherent in Zetts. The Applicants contests this assertion. No gesture command described in Zetts as within the mouse-emulating context is seen to be analogous to a command executed by a second mouse button (e.g., displaying a sub-menu or pulldown menu). Zetts makes no mention of more than one mouse button; only a mouse-pointing device is mentioned. The AUI is seen as simply storing the stroke buffer in order to enable Zetts' timeout aspects. It is not clear that two-button mouse-pointing devices were so common as of the Zetts priority date (October 10, 1991) that a second mouse button would be inherent within a patent's bare disclosure of a mouse-pointing device. Claims 11 and 20 are seen to be novel over the actual disclosure and reasonable inherencies within Zetts.

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Beatty is cited only against claims 12 and 22 (mobile station) for its teachings relevant to a portable personal communicator, and is not seen to cure any of the above deficiencies of Zetts vis a vis the above-cited claims.

Therefore, the Applicants respectfully request the Examiner to review the cited art in view of the above detailed arguments and claim amendments, to withdraw the rejections to the remaining claims, and to pass claims 1-22 and added claims 27-30 to issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:

_____   _____June 19 2007_____
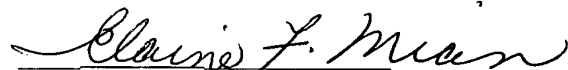Jerry Stanton   Date
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